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SUBJECT: DRAFT LAW OUTLINES KEY OPTIONS FOR IRAQ'S NATIONAL
PARLIAMENTARY ELECTIONS

* Missing Section 001 *

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to add quota seats in Baghdad, Ninewa, Basra and Dohuk. For Baghdad there are proposals for one or two seats for Christians and one seat for Sabeen-Mandean. There is another provision for Ninewa that allocates one seat to Christians, one seat for Yezidis, and one seat for Shabaks. Lastly, the draft sets one seat for Christians in both Basra and Dohuk. (Note: In the 2005 national parliamentary elections, there were no quota seats for minorities. Four were elected -- two Christians (who each ran with coalitions), one Yezidi (who ran with a Yezidi party), and one Shabak (who ran as an independent). While quotas may be useful for small minority groups like the Sabeen-Mandean (Ref B), quotas can discourage political unity and coalition building in larger communities (Ref C). End Note.)

How Many Seats?

15. (C) Article 8 of the draft law seeks to set the total number of seats in the new parliament in accord with article 49 of the Constitution, which stipulates that there be one legislative seat for every 100,000 Iraqis. In 2005, the election law required the number of seats in the Parliament to be determined based on the population data tied to the number of food ration cards recorded in the Public Distribution System (PDS), which resulted in the current 275 seats. Since Iraq's population has grown since 2005, this led to some debate in Parliament as to what population statistics should be used (e.g., an estimate by the Central Bureau of Statistics, which plans to conduct a census later this year). In the end, MPs seem to have agreed to use PDS data again for the draft election law. According to UNAMI, the new parliament should have 312 seats based on the most recent PDS data from January 2009.

16. (C) Provisions for compensatory seats are also laid out in the draft law; these seats can be used to increase representation for minorities, depending on how they are structured (Note: the effectiveness of compensatory seats will depend on the electoral system and the size of electoral districts as well. End note.) The current draft law calls for either 10% or 18% compensatory seats. In 2005, all out-of-country votes went toward 45 compensatory seats; this may again be the case for the 2010 election law.

Displaced Persons and Refugees

17. (C) Voting for Internally Displaced Persons (IDPs) is addressed in Article 17, using the 2008 Provincial Election

Law definition of an IDP: An "IDP is an Iraqi who has been forcibly evicted from his permanent place of residence to another location after 09/04/2003 and for any reason." There is also a new provision that "IDP can vote for his original constituency unless his ration card has been relocated to his place of residence." UNAMI elections advisors recommend that this sentence be refined to state that IDPs may have a choice to vote by absentee ballot, which would technically satisfy the intent of this statement.

18. (C) Refugees living outside of Iraq are addressed by simple language in Article 40 on "Out of Country Voting." The current draft says, "Voters abroad will vote according to IHEC procedures." Privately, UNAMI technical experts have advised that Independent High Electoral Commission (IHEC) define the places where voting will take place in lieu of opening a broad debate on out of country voting in the Parliament. USG advisors from IFES and the Embassy's Office of Constitutional and Legislative Affairs (CLA) recommend that out of country voting be limited to neighboring countries where the majority of Iraq's refugees live.

The Debate on Kirkuk

19. (C) Midway through the week, an argument over Kirkuk disrupted the diligent progress in the ad hoc Elections Committee. Several members of the committee are reported to favor open list electoral systems, and with them, a multiple district constituency. However, this arrangement would require a definition of the electorate for every district - including the province of Kirkuk. Similar questions about Kirkuk derailed early efforts to draft a provincial election law one year ago by the "July 22" group -- a loose coalition composed of Hewan, Fadhlila, Sadrists and part of Iraqiyya that walked out on a draft provincial elections law on July 22, 2008 (Ref D). Now, elements of this group appear to seek to link Kirkuk to the national election law, arguing that the number of seats allocated to Kirkuk in a national election

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